

DOCKET NO.: C1041.70005US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.
Serial No.: 09/355,254
Confirmation No.: 6183
Filed: February 22, 2000
For: PHARMACEUTICAL COMPOSITIONS COMPRISING A
POLYNUCLEOTIDE AND OPTIONALLY AN ANTIGEN ESPECIALLY
FOR VACCINATION

Examiner: Jane J. Zara
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 13th day of October, 2004.


Kristin J. Ketelhut

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

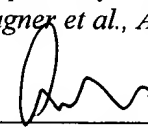
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

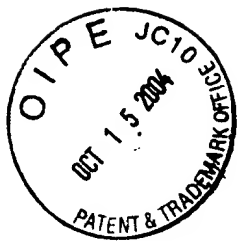
A check in the amount of \$180 is enclosed to cover the fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Wagner et al., Applicant

By:


Alan W. Steele, M.D., Ph.D., Reg. No.: 45,128
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600 Atlantic Avenue
Boston, Massachusetts 02210-2206
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Docket No.: C1041.70005US00
Date: October 13, 2004
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Kristin J. Ketelhut

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. § 1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180 as set forth in 37 C.F.R. § 1.17(p) is enclosed.

10/19/2004 SSANDARA 00000009 09355254

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1040.70012US00	10/644,267	08-20-2003	Davis et al.
*C1041.70005US01	10/811,226	03-26-2004	Wagner et al.
*C1037.70039US01	10/816,220	04-01-2004	McCluskie et al.
*C1037.70013US01	10/831,778	04-23-2004	Bratzler et al.
*C1039.70048US03	10/831,647	04-23-2004	Krieg et al.
*C1039.70058US01	10/831,775	04-23-2004	Davis et al.
*C1039.70057US01	10/838,659	05-03-2004	Davis et al.
*C1039.70048US04	10/847,642	05-15-2004	Krieg et al.
*C1039.70083US08	10/847,650	05-15-2004	Krieg et al.
*C1041.70036US01	10/872,196	06-18-2004	Lipford et al.
*C1039.70048US05	10/877,407	06-24-2004	Krieg et al.
*C1041.70002US01	10/877,369	06-25-2004	Wagner et al.
*C1041.70002US02	10/876,965	06-25-2004	Wagner et al.
*C1041.70002US03	10/876,892	06-25-2004	Wagner et al.
*C1039.70035US01	10/884,866	07-02-2004	Krieg et al.
*C1039.70048US06	10/884,852	07-02-2004	Krieg et al.
*C1041.70016US01	10/884,372	07-02-2004	Bauer et al.
*C1039.70035US02	10/888,803	07-09-2004	Krieg et al.
*C1039.70048US07	10/888,785	07-09-2004	Krieg et al.
*C1039.70048US08	10/888,449	07-09-2004	Krieg et al.
*C1039.70083US09	10/888,885	07-09-2004	Krieg et al.
*C1039.70083US10	10/888,089	07-09-2004	Krieg et al.
*C1040.70006US01	10/888,886	07-09-2004	McCluskie et al.
*C1039.70048US09	10/894,657	07-16-2004	Krieg et al.
*C1039.70048US10	10/894,862	07-16-2004	Krieg et al.
*C1041.70005US02	10/894,655	07-16-2004	Wagner et al.

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1039.70020US01	10/921,086	08-18-2004	Krieg et al.
*C1039.70048US11	10/928,762	08-26-2004	Krieg et al.

*A copy of this reference is not provided as the Office has waived the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 (and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR).

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

Serial No.: 09/355,254
Conf. No.: 6183

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Art Unit: 1635

An early and favorable action is hereby requested.

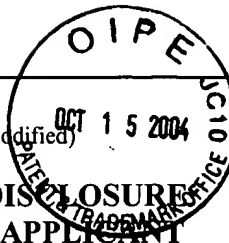
Respectfully submitted,
Wagner et al., Applicant

By:



Alan W. Steele, M.D., Ph.D., Reg. No.
45,128
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600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

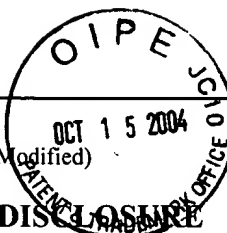
Docket No.: C1041.70005US00
Date: October 13, 2004
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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/355,254		ATTY. DOCKET NO.: C1041.70005US00	
				FILING DATE: February 22, 2000		CONFIRMATION NO.: 6183	
				APPLICANT: Wagner et al.			
				GROUP ART UNIT: 1635		EXAMINER: Jane J. Zara	
Sheet	1	of	2				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A38	6,339,068	B1	Krieg et al.	01-15-2002
	A39	6,406,705	B1	Davis et al.	06-18-2002
	A40	6,429,199	B1	Krieg et al.	08-06-2002
	A41	6,653,292	B1	Krieg et al.	11-25-2003
	A42	6,727,230	B1	Hutcherson et al.	04-27-2004
	A43	2001-0044416	A1	McCluskie et al.	11-22-2001
	A44	2003-0026782	A1	Krieg et al.	02-06-2003
	A45	2003-0212026	A1	Krieg et al.	11-13-2003
	A46	2003-0224010	A1	Davis et al.	12-04-2003
	A47	2003-0232074	A1	Lipford et al.	12-18-2003
	A48	2004-0030118	A1	Wagner et al.	02-12-2004
	A49	2004-0053880	A1	Krieg	03-18-2004
	A50	2004-0067905	A1	Krieg	04-08-2004
	A51	2004-0087534	A1	Krieg et al.	05-06-2004
	A52	2004-0087538	A1	Krieg et al.	05-06-2004
	A53	2004-0092472	A1	Krieg	05-13-2004
	A54	2004-0106568	A1	Krieg et al.	06-03-2004
	A55	2004-0131628	A1	Bratzler et al.	07-08-2004
	A56	2004-0132685	A1	Krieg et al.	07-08-2004
	A57	2004-0142469	A1	Krieg et al.	07-22-2004
	A58	2004-0143112	A1	Krieg et al.	07-22-2004
	A59	2004-0147468	A1	Krieg et al.	07-29-2004
	A60	2004-0152649	A1	Krieg	08-05-2004
	A61	2004-0152656	A1	Krieg et al.	08-05-2004
	A62	2004-0152657	A1	Krieg et al.	08-05-2004
	A63	2004-0162258	A1	Krieg et al.	08-19-2004
	A64	2004-0162262	A1	Krieg et al.	08-19-2004
	A65	2004-0167089	A1	Krieg et al.	08-26-2004
	A66	2004-0171150	A1	Krieg et al.	09-02-2004
	A67	2004-0171571	A1	Krieg et al.	09-02-2004
	A68	2004-0181045	A1	Krieg et al.	09-16-2004
	A69	2004-0198688	A1	Krieg et al.	10-07-2004



FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

APPLICATION NO.: 09/355,254

ATTY. DOCKET NO.: C1041.70005US00

FILING DATE: February 22, 2000

CONFIRMATION NO.: 6183

APPLICANT: Wagner et al.

GROUP ART UNIT: 1635

EXAMINER: Jane J. Zara

Sheet 2 of 2

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B33	WO	2004/007743	A2	Coley Pharmaceutical GMBH	01-22-2004	
	B34	WO	2004/039829	A2	Coley Pharmaceutical Group, Ltd.	05-13-2004	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)

EXAMINER:

DATE CONSIDERED:

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]